

COUNCIL POLICY**CURRENT**

SUBJECT: STREET VACATIONS AND EASEMENT ABANDONMENTS
POLICY NO.: 600-15
EFFECTIVE DATE: May 18, 1993

BACKGROUND:

The City receives numerous requests to vacate or abandon various types of rights-of-way, and the Council has the authority to vacate or abandon a public right-of-way after finding that it is no longer needed for public use. Such actions must, however, conform to various legal and procedural requirements set forth in the California Streets and Highways Code, the Government Code and in the San Diego Municipal Code. While retention of unusable rights-of-way should be avoided, all proposed vacations or abandonments must be carefully investigated since reacquisition, if the land is needed at a later date, can be difficult and expensive.

PURPOSE:

It is the purpose of this policy to outline criteria to be used in evaluating the need for existing rights-of-way and public service easements.

POLICY:

1. It is the policy of the Council to vacate or abandon, in whole or in part, a public right-of-way when there is no present or prospective use for the right-of-way, and such action will serve the public interest. No action will be taken, however, until the following findings can be made:
 - a. That there is no present or prospective use for the easement or right-of-way, either for the facility for which the it was originally acquired or for any other public use of a like nature that can be anticipated.
 - b. That the public will benefit from the action through improved utilization of land made possible by the street vacation.
 - c. That the vacation or abandonment is not inconsistent with the General Plan, an approved Community Plan, or the Local Coastal Program.
 - d. That the facility for which the right-of-way as originally acquired will not be detrimentally affected by the street vacation.

As a general rule, the Council will not vacate a street adjacent to undeveloped property since a determination of whether the street will ultimately be needed for public use purposes can best be made only when the nature and density of development of the adjacent parcels are known.

2. Staff investigation of street vacation proposals and subsequent considerations of the matter by the Council and the Planning Commission or the will give particular attention to a determination of whether the right-of-way can be utilized for any other public purpose such as walkways, bicycle paths, access to public open-space areas, transit facilities, utility lines, etc.

3. Upon receipt of a request for a street vacation or easement abandonment, City staff shall review the application in relation to this policy and other applicable requirements.
4. In some circumstances, the Council may be convinced that the right-of-way in question will never be required for public street purposes but is uncertain whether or not the street area may be needed for utilities at some time in the future. In such cases, the Council may vacate the street and reserve utility easements as necessary over the entire right-of-way, or any portion thereof, as applicable under State law.
5. Where it is determined that a vacation or public service easement is associated with other discretionary actions, such as a tentative map, coastal development permit, or other land development action, the consideration by Council, as well as any recommendation hearing, shall be reviewed and acted upon concurrently in accordance with Municipal Code section 111.0203.
6. Where the street vacation is being processed in accordance with the Subdivision Map Act, the Council will approve a resolution authorizing the street vacation(s) in accordance with appropriate procedures. The Final Map shall specify the resolution which authorizes the street(s) to be vacated under this procedure, and the vacation(s) will become effective upon recordation of the Final Map(s).
7. The City Manager shall make available for distribution appropriate informational material regarding street and easement vacation procedures and fees.

HISTORY:

Adopted by Resolution R-209773 01/29/1974
Amended by Resolution R-257331 10/12/1982
Amended by Resolution R-264842 01/13/1986
Amended by Resolution R-270397 02/22/1988
Amended by Resolution R-275710 05/14/1990
Amended by Resolution R-277572 03/25/1991
Amended by Resolution R-281996 05/18/1993